



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,244	08/10/1999	PIERGIORGIO BENUZZI	BUG2106	4118

7590 08/14/2002

FAY SHARPE BEALL
FAGAN MINNICH & MCKEE
1100 SUPERIOR AVENUE
SUITE 700
CLEVELAND, OH 441142518

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/367,244

Applicant(s)

BENUZZI, PIERGIORGIO

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/20/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's amendment received on 5/20/02.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2, 4-14 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 17, it is not clear what "it" encompass. The phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Also, it is not clear what "to push the panel along the table in a direction (F1; F3) opposite to the feed direction" encompass. Figures show the movable device pulling the panel in the direction opposite the feed direction, instead of pushing the panel.

Claim Rejections - 35 USC § 103

3. Claims 1-2, 4-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ess in view of Kindgren et al.

Ess discloses (Fig. 8) the invention substantially as claimed including a horizontal table 12, at least one panel 20, at least one movable device 15, a feed direction, a

direction, a sawing device/a single lengthways cutting axis 10, rotation device (see Fig. 5), a plurality of pickup elements 17, guides, drive means and vertical direction (see col. 4, line 4-8). Ess doesn't show drive means to move at least one of the pickup elements in a horizontal direction independently of the other pickup elements. However, Kindgren teaches the use of drive means to move pickup elements 27-28 in a horizontal direction independently of each other for the purpose of moving the clamps themselves during adjustment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ess's movable device by providing drive means to move pickup elements in the horizontal direction independently of the other pickup elements as taught by Kindgren in order to obtain work clamps automatically adjusted along the carriage with a relative simple and economical apparatus for physically moving the work clamps themselves during the adjustment.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. M. Fiedland et al., Scott, Hunter et al. and Schulze et al. are cited to show relate device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on Monday thru Thursday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

Application/Control Number: 09/367,244
Art Unit: 3724

Page 4

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

ofs
August 12, 2002



KENNETH E. PETERSON
PRIMARY EXAMINER